

REMARKS

The present Amendment amends claims 1 and 11-13, leaves claims 2-9, 14, 16 and 17 unchanged. Therefore, the present application has pending claims 1-9, 11-14, 16 and 17.

Applicants acknowledge the Examiner's indication in the Office Action that the arguments presented in the July 25, 2006 Amendment were persuasive and that the "previous prior art rejections of the claims have been withdrawn".

In the Office Action the Examiner objected to the specification under 37 CFR §1.75(d)(1) and MPEP §608.01(o) and rejected the claims under 35 USC §112, first paragraph, being that the Examiner alleges that the specification does not describe the subject matter as set forth in the claims in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Particularly, the Examiner states that "although there is support in the specification for no bandwidth control being executed by the stream server when the client is connected through the Internet, there is no support for the limitation of not executing bandwidth control anywhere for the client connected through the Internet".

Amendments were made to the claims so as to clarify the description of the invention as set forth in the claims so as to make the claims correspond to the description of the invention as set forth in the specification as originally filed. Particularly, amendments were made to the claims so as to more clearly recite that if the destination of the transmission is the first client apparatus,

which is connected to the first network, then bandwidth control is executed and the first client apparatus is notified of a port number identifying a port through which communications are to be conducted, and if the destination of transmission is the second client apparatus, which is connected to the second network, the bandwidth control is not executed and the second client apparatus is notified of a dummy port number identifying a dummy port through which communications are not conducted. These features of the present invention now more clearly recited in the claims are disclosed, for example, in the paragraph bridging pages 24 and 25 of the originally filed specification. This portion of the originally filed specification states that:

“in accordance with the contents of the address management table 141, the stream transport management unit 132 judges whether the bandwidth management process is to be executed (S2-4). More specifically, in this embodiment, if the IP address of the transmission source client apparatus 101 belongs to the Internet 102d, the stream transport management unit 132 judges that the bandwidth management protocol should not be executed, whereas if the IP address of the transmission source client apparatus 101 belongs LAN 102a, the stream transport management unit 132 judges that the bandwidth management protocol should be executed”.

The paragraphs following the paragraph bridging pages 24 and 25 of the originally specification provide further details in the situation where the stream transport management unit 132 judges that bandwidth management protocol should be executed and the details of when bandwidth management protocol should not be executed. Attention is directed to this portion of the specification.

Thus, the specification as originally filed clearly describes the features of the present invention as now more clearly recited in the claims. Therefore, reconsideration and withdrawal of the 37 CFR §1.75(d)(1) and MPEP §608.01(o) objection to the specification and the 35 USC §112, first paragraph rejection of claims 1-9, 11-14, 16 and 17 is respectfully requested.

Claims 1-9, 11-14, 16 and 17 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as their invention. Various amendments were made throughout claims 1-9, 11-14, 16 and 17 so as to bring them into conformity with the requirements of 35 USC §112, second paragraph. Therefore, Applicants submit that this rejection is overcome and should be withdrawn.

Specifically, amendments were made to claims 1-9, 11-14, 16 and 17 so as to overcome the objections noted by the Examiner in the Office Action.

The Examiner's cooperation is respectfully requested to contact Applicants' Attorney by telephone should any further indefinite matter be discovered so that appropriate amendments may be made.

Applicants acknowledge the Examiner's indication in the Office Action that the claims would be allowable if the above described objection to the specification and rejection of the claims are overcome. As indicated above, the objection to the specification and rejection of the claims have been overcome. Therefore, claims 1-9, 11-14, 16 and 17 are now in condition for allowance as indicated by the Examiner.

In view of the foregoing amendments and remarks, applicants submit that claims 1-9, 11-14, 16 and 17 are in condition for allowance. Accordingly, early allowance of claims 1-9, 11-14, 16 and 17 is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.43372X00).

Respectfully submitted,

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